

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

BENJAMIN KEYWANFAR, an individual,  
  
Plaintiff,

v.

SILVERLEAF FINANCIAL, a Utah limited  
liability company, ACM SILVERLEAF III  
B, a Florida limited liability company, D.  
SHANE BALDWIN, an individual,  
  
Defendants.

MEMORANDUM DECISION AND  
ORDER TO SHOW CAUSE

Case No. 2:12-CV-602 TS

District Judge Ted Stewart

---

This action was filed by Plaintiff in June 2012 and alleges causes of action against Defendants for breach of contract, breach of the covenant of good faith and fair dealing, unjust enrichment, fraud, fraudulent misrepresentation, fraudulent inducement, negligent misrepresentation, and declaratory relief.<sup>1</sup> The Court issued its Amended Scheduling Order on February 26, 2013, setting an eight-day bench trial to begin on January 13, 2014.<sup>2</sup> On November 20, 2013, the Court entered its Trial Order, reiterating that the trial would begin on January 13, 2014.<sup>3</sup> On December 11, 2013, the Court set the final pretrial conference for January 6, 2014.<sup>4</sup> Defendants did not appear at the final pretrial conference. On January 21, 2014, Plaintiff filed its Motion for Default Judgment.<sup>5</sup> Defendants have failed to respond to that motion.

---

<sup>1</sup> Docket No. 2.

<sup>2</sup> Docket No. 28.

<sup>3</sup> Docket No. 30.

<sup>4</sup> Docket No. 31.

<sup>5</sup> Docket No. 34.

Federal Rule of Civil Procedure 16(f) provides that “[o]n motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)–(vii), if a party or its attorney: (A) fails to appear at a scheduling or other pretrial conference.”<sup>6</sup> Sanctions authorized by Rule 37(b)(2)(A) include “striking pleadings in whole or in part”<sup>7</sup> and “rendering a default judgment against the disobedient party.”<sup>8</sup>

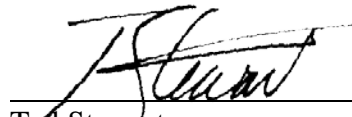
The Court will issue an Order to Show Cause to give Defendants fourteen days to show cause before the Court considers Plaintiff’s Motion for Default Judgment.<sup>9</sup> Defendants have fourteen days from the date of this Order to respond to the Court in writing as to why they failed to appear at the pretrial conference and why judgment should not be entered. Failure to respond may result in sanctions, up to and including terminating sanctions.

It is therefore

ORDERED that Defendants show cause in writing, within fourteen (14) days as to why they failed to appear at the pretrial conference and why judgment should not be entered.

DATED this 27th day of February, 2014.

BY THE COURT:

  
\_\_\_\_\_  
Ted Stewart  
United States District Judge

---

<sup>6</sup> Fed. R. Civ. P. 16(f).

<sup>7</sup> *Id.* 37(b)(2)(A)(iii).

<sup>8</sup> *Id.* 37(b)(2)(A)(vi).

<sup>9</sup> Docket No. 34.